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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Kirk Patton Bumgarner, et al.

Serial No: 10/800551

Art Group Unit: 1731

Filing Date: March 15, 2004

Examiner: Hoffman, John M

Title: METHOD AND APPARATUS FOR
TENSILE TESTING AND
RETHREADING OPTICAL FIBER
DURING FIBER DRAW

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT

In the Office Action dated April 19, 2005, designated as Paper No. 50415 in the above-captioned application, the Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

- Group II. Claims 38 - 49, drawn to a method of threading a fiber, classified in class 226, subclass 7;
- Group IV. Claims 52 - 55, drawn to a method of changing spools, classified in class 226, subclass 1; and
- Group VI. Claims 57 - 58, drawn to a method of removing bad fiber, classified in class 65, subclass 433.

The Examiner asserted that these inventions may be regarded as independent and distinct from one another because Inventions (IV & VI) and II are related as subcombinations disclosed as usable together in a single combination.

Applicants respectfully traverse the Examiner's Restriction Requirement on the grounds that the proposed inventions are inextricably intertwined, and prosecution of the proposed groups of claims together would be most effective for the Office. In order to conduct a comprehensive search regarding any one of the groups, including the group provisionally elected above, it would be inherently necessary to review the same pertinent fields and classes of prior art relating to the

other groups. Moreover, the important questions of patentability and claim interpretation are likely to be based on substantially similar issues and evaluations for each group of claims, and would require consideration of the same prior art, and combined prosecution is therefore less likely to result in inconsistent or conflicting file histories.

As such, Applicant respectfully requests that the Examiner withdraw the Restriction Requirement in the next subsequent Office Action, and continue prosecution of Groups II, IV, and VI together with one another. In the event that Examiner does not withdraw the Restriction Requirement, Applicants elect Group II, claims 38-49, with traverse.

Applicants believe that no extension of time is necessary to make this Response timely. Should Applicants be in error, Applicants respectfully request the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Robert L. Carlson at (607) 974-3502.

Respectfully submitted,

Date: May 5, 2005



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CERTIFICATE OF MAILING UNDER 37 C.F.R. §

1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to MS: Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 5, 2005.


Robert L. Carlson, Signature